

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zou et al.

Group Art Unit: 1631

Serial No.: 10/500,587

Examiner: Karlheinz R. Skowronek

Filed: June 30, 2004

Docket No.: 1392/10/21 PCT/US

Confirmation No.: 5250

For: PROBE CORRECTION FOR GENE EXPRESSION LEVEL DETECTION

* * * * *

PETITION FOR WAIVER OF SIGNATURE OF UNAVAILABLE INVENTORS
UNDER 37 CFR § 1.183

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

1. This petition under 37 C.F.R. § 1.183 is being submitted along with a Declaration pursuant to 37 C.F.R. § 1.31 in the subject above captioned U.S. Patent Application Serial No. 10/500,587 to request waiver of the signature of three unavailable inventors. The Commissioner is hereby authorized to charge \$400.00 to cover the fee under 37 C.F.R. § 1.17(f) to Deposit Account 50-0426. The Declaration pursuant to 37 C.F.R. § 1.31 is being filed in response to the Official Action mailed on September 7, 2007, from the U.S. Patent and Trademark Office for the subject above captioned U.S. Patent Application Serial No. 10/500,587. Favorable consideration is respectfully requested in view of the following Remarks and factual proofs.

2. The enclosed Declaration pursuant to 37 C.F.R. § 1.31 is signed by three of the six co-inventors in the subject above captioned U.S. Patent Application Serial No. 10/500,587. The three missing signatures on the Declaration are for the co-inventors Xun Wang, Yiping Fan and Fan Long.
3. Specific facts evidencing the unavailability of the co-inventors Xun Wang, Yiping Fan and Fan Long are as follows:
 - a. On May 31, 2007, Applicant's attorney forwarded to each of the co-inventors of the subject above captioned U.S. Patent Application Serial No. 10/500,587, Guangzhou Zou, Hur-Song Chang, Yiping Fan, Fan Long, Xun Wang and Tong Zhu, by either electronic mail or Federal Express a letter describing an enclosed Declaration pursuant to 37 C.F.R. § 1.31 and instructions for execution and return of the Declaration. No response was received from the three co-inventors, Xun Wang, Yiping Fan and Fan Long.
 - b. The communication described above that was forwarded by e-mail to Xun Wang and by Federal Express to Yiping Fan and Fan Long was specifically as follows: (1) a letter describing an enclosed Declaration pursuant to 37 C.F.R. § 1.31 and instructions for execution and return of the Declaration; (2) an original Declaration pursuant to 37 C.F.R. § 1.31; (3) a copy of the Official Action dated December 7, 2006, for the subject above captioned U.S. Patent Application Serial No. 10/500,587; (4) a copy of the Tseng et al. journal article cited in the December 7, 2006 Official Action; (5) a listing of claims 1-6 for the subject above captioned U.S. Patent Application Serial No. 10/500,587; and (6) a self-addressed courier envelope. True and accurate copies of these communications are attached hereto as **Appendix A**.

- c. The above e-mail and Federal Express communications were addressed to:

Dr. Xun Wang
xun.wang@syngenta.com

and

Dr. Yiping Fan
8550 Costa Verde Blvd. #5338
San Diego, CA 92122

and

Dr. Fan Long
1402 Sunny Slope Road
Bridgewater, NJ 08807

4. A reminder e-mail message was sent to Xun Wang on June 7, 2007 having the same attachments as described above in paragraph 3(a) and with instructions for execution and return of the Declaration. A true and accurate copy of this e-mail is attached hereto as **Appendix B**.
5. As no response was received from co-inventors Xun Wang, Yiping Fan and Fan Long, Attorney for Applicants requested the most recent address and contact information for these co-inventors from the assignee in the subject above captioned U.S. Patent Application Serial No. 10/500,587 and current and/or former employer of the three co-inventors, Syngenta Participations AG. Attorney for Applicants was informed that the above listed addresses are the most recent address information on file for Yiping Fan and Fan Long. Attorney for Applicants was informed that the most recent address for Xun Wang is as follows:

Dr. Xun Wang
Section Head, CGR
Syngenta Agroservices Asia, Ltd.
20th Floor of Building 56
Ocean International Center Tower A
East 4th Ring Road
Chaoyang District
100025 P.R.C

6. A second Declaration pursuant to 37 CFR § 1.31 and instructions for execution and return of the Declaration was sent on February 11, 2008 to each of the co-inventors, Guangzhou Zou, Hur-Song Chang, Yiping Fan, Fan Long, Xun Wang and Tong Zhu by Federal Express and DHL Express communication. Specifically, the communication sent to the above-listed most recent addresses for Xun Wang, Yiping Fan and Fan Long was as follows: (1) a letter describing an enclosed second Declaration pursuant to 37 CFR § 1.31 and instructions for execution and return of the Declaration; (2) an original second Declaration pursuant to 37 C.F.R. § 1.31; (3) a copy of the Official Action dated December 7, 2006 for the subject above captioned U.S. Patent Application Serial No. 10/500,587; (4) a copy of the Official Action dated September 7, 2007 for the subject above captioned U.S. Patent Application Serial No. 10/500,587; (5) a copy of the Tseng et al. journal article cited in the December 7, 2006 Official Action; (6) a copy of the Wohlgemuth et al. journal article cited in the September 7, 2007 Official Action; (7) a listing of claims 1-6, 8-13 and 29-30 for the subject above captioned U.S. Patent Application Serial No. 10/500,587; and (8) a self-addressed courier envelope. True and accurate copies of these documents are attached hereto as **Appendix C**.
7. Reminder letters were sent by Federal Express to Yiping Fan and Fan Long on February 11, 2008 with an enclosed second Declaration pursuant to 37 CFR § 1.31 and instructions for execution and return of the Declaration. A reminder e-mail message with an attachment containing the second Declaration pursuant to 37 CFR § 1.31 and instructions for execution and return of the Declaration was sent to Xun Wang on February 28, 2008 and again on March 6, 2008. True and accurate copies of these documents are attached hereto as **Appendix D**.
8. It is respectfully asserted that this Petition satisfactorily explains the lack of signatures for Xun Wang, Yiping Fan and Fan Long on the enclosed Declaration pursuant to 37 C.F.R. § 1.131. Accordingly, it is respectfully requested that this Petition be granted for waiver of the signatures of unavailable co-inventors, Xun

Serial No.: 10/500,587

Wang, Yiping Fan and Fan Long, for the subject above captioned U.S. Patent Application Serial No. 10/500,587.

I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 03/07/2008

By: Arles A. Taylor, Jr.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees associated with the filing of this correspondence to Deposit Account No. 50-0426. If there are any questions, applicants respectfully request that the undersigned attorney be contacted.

Respectfully submitted,
JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: 03/07/2008

By: Arles A. Taylor, Jr.
Arles A. Taylor, Jr.
Registration No. 39,395
Customer No. 25297
(919) 493-8000

1392/10/21 PCT/US

AAT/LLK/dbp

Oksana Buynitzky

From: Oksana Buynitzky [obuynitzky@jwth.com]
Sent: Thursday, May 31, 2007 3:59 PM
To: 'xun.wang@syngenta.com'
Cc: 'michael.yates@syngenta.com'; 'lkiefer@jenkinswilson.com'
Subject: Syngenta's Ref. No. 60176WOPCT; JWTH Ref. No. 1392/10/21 PCT/US

Attachments: Claims 1-6 1392-10-21 US.pdf; Office Action 1392-10-21 US.pdf; Tsent et al.pdf; Declaration 1.131.pdf; Ltr to Dr. Wang 1392-10-21 US.pdf

Dear Dr. Wang,
 Please find attached correspondence regarding the above-referenced case. Please sign the Declaration as soon as possible and fax it to us at 1-919-419-0383.
 Please let us know if you have any questions. We are looking forward to hearing from you.



Claims 1-6
 1392-10-21 US.pdf (1392-10-21 US.pdf...)



Office Action



Tsent et al.pdf (750
 KB)



Declaration
 ..131.pdf (388 KB)..



Ltr to Dr. Wang

1392-10-21 US....

Sincerely,

Oksana Buynitzky, NCCP
Patent Legal Assistant
 Jenkins, Wilson, Taylor & Hunt, P.A.
 Patent Attorneys
 University Tower, Suite 1200
 3100 Tower Boulevard
 Durham, NC 27707

Email: obuynitzky@jenkinswilson.com
 Website: www.jenkinswilson.com
 Telephone: (919) 493-8000
 Facsimile: (919) 419-0383

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 Thank you.

JENKINS
WILSON
TAYLOR
& HUNT

patent attorneys

May 31, 2007

VIA ELECTRONIC MAIL

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

BENTLEY J. OLIVE

*CHRIS PERKINS, PH.D.

P. ASHLEY DARDEN

DAVID M. SIGMON

WESLEY A. SHEFFIELD

SCOTT C. MAYHEW

+KIRBY A. TURNER

PATENT AGENTS

JAY KLINCK

AMY ODENBAUGH, PH.D.

TECHNICAL SPECIALIST

LEON R. LEGLEITER, PH.D.

*LICENSED ONLY IN CA

+LICENSED ONLY IN GA

Dr. Xun Wang
Section Head, CGR
Syngenta Agroservices Asia, Limited
Beijing Representative Office
Room 1716, Jing Long Bldg.
Jia No.5 Tuanjiehu Nan Li
Dongsanhuan Beilu, Chao Yang District
Beijing 100026

Re: U.S. Patent Application Serial No. 10/500,587 for
PROBE CORRECTION FOR GENE EXPRESSION LEVEL
DETECTION
Our File No.: 1392/10/21 PCT/US

Dear Dr. Wang:

We are now writing on behalf of Syngenta Participations AG concerning the pending above captioned U.S. Patent Application Serial No. 10/500,587. Please recall that you are identified as a co-inventor on the subject U.S. Patent Application Serial No. 10/500,587

Enclosed please find a Rule 131 Declaration for your review and execution. Upon signing, please send the original Declaration by facsimile to 919-419-0383 so that we may forward the Declaration to the Patent Office to an effort to obtain allowance of subject U.S. Patent Application Serial No. 10/500,587 by the U.S. Patent and Trademark Office.

In order to sign the Declaration, you will first need to review the attached Official Action from the U.S. Patent and Trademark Office, the listing of pending claims 1-6 of the patent application, the journal article by Tseng et al that the patent Examiner has cited against the pending claims, and Exhibits A, B and C attached at the end of the Declaration.

I wish to specifically draw your attention to the last paragraph on page 3 of the Declaration, as it states that willful false statements are punishable by fine or imprisonment or both, and may jeopardize the validity of any patent issued on this application.

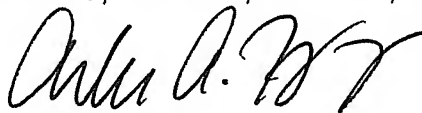
The deadline for submitting the Declaration to the Patent Office is June 7, 2007, and, thus, we request that you return your signed Declaration to us by facsimile by June 6, 2007. We are aware of the short timeframe in which we are requesting your response, and sincerely appreciate your time and attention to this matter.

If you should have any questions regarding this matter, please do not hesitate to contact us.

With best regards, I am

Very truly yours,

JENKINS, WILSON, TAYLOR, & HUNT P.A.



Arles A. Taylor, Jr.

AAT/LLK/omb

Enclosures: Original Rule 131 Declaration
Copy of Official Action dated December 7, 2006
Copy of Tseng journal article
Listing of claims 1-6

Cc: Michael Yates, Esq.

JENKINS
WILSON
TAYLOR
& HUNT

patent attorneys

May 31, 2007

VIA FEDERAL EXPRESS

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

BENTLEY J. OLIVE

*CHRIS PERKINS, PH.D.

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JAY KLINCK

AMY ODENBAUGH, PH.D.

TECHNICAL SPECIALIST

LEON R. LEGLEITER, PH.D.

*LICENSED ONLY IN CA

+LICENSED ONLY IN GA

Dr. Yiping Fan
8550 Costa Verde Blvd. #5338
San Diego, CA 92122

Re: U.S. Patent Application Serial No. 10/500,587 for
PROBE CORRECTION FOR GENE EXPRESSION LEVEL
DETECTION
Our File No.: 1392/10/21 PCT/US

Dear Dr. Fan:

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With best regards, I am

Very truly yours,

JENKINS, WILSON, TAYLOR, & HUNT P.A.



Arles A. Taylor, Jr.

AAT/LLK/omb

Enclosures: Original Rule 131 Declaration
Copy of Official Action dated December 7, 2006
Copy of Tseng journal article
Listing of claims 1-6
Self-Addressed Courier Envelope

Cc: Michael Yates, Esq.

Appendix A

From: Origin ID: HNCA (919)493-8000
Richard Jenkins
JENKINS, WILSON, TAYLOR & HUNT
SUITE 1200 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NC 27707



CL5022307/2/123

SHIP TO: (919)493-8000

BILL SENDER

Dr. Yiping Fan

8550 Costa Verde Blvd. #5338

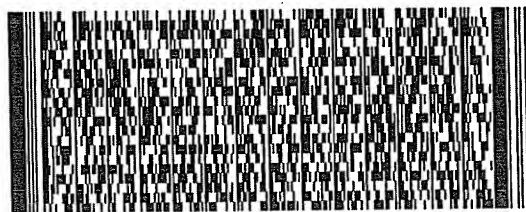
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JENKINS
WILSON
TAYLOR
& HUNT

patent attorneys

May 31, 2007

VIA FEDERAL EXPRESS

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

BENTLEY J. OLIVE

*CHRIS PERKINS, PH.D.

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TECHNICAL SPECIALIST

LEON R. LEGLEITER, PH.D.

.....
*LICENSED ONLY IN CA

+LICENSED ONLY IN GA

Dr. Fan Long
1402 Sunny Slope Road
Bridgewater, NJ 08807

Re: U.S. Patent Application Serial No. 10/500,587 for
PROBE CORRECTION FOR GENE EXPRESSION LEVEL
DETECTION
Our File No.: 1392/10/21 PCT/US

Dear Dr. Long:

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If you should have any questions regarding this matter, please do not hesitate to contact us.

With best regards, I am

Very truly yours,

JENKINS, WILSON, TAYLOR, & HUNT P.A.



Arles A. Taylor, Jr.

AAT/LLK/omb

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Cc: Michael Yates, Esq.

Appendix A

From: Origin ID: HNCA (919)493-8000
Richard Jenkins
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SUITE 1200 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NC 27707



CL60223077/2/23

SHIP TO: (919)493-8000

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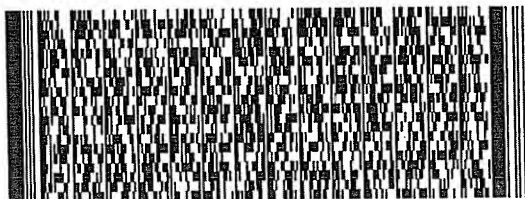
Dr. Fan Long**1402 Sunny Slope Rd.****Bridgewater, NJ 08807**

Ship Date: 31MAY07
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System#: 3790867/INET2600
Account#: S *****

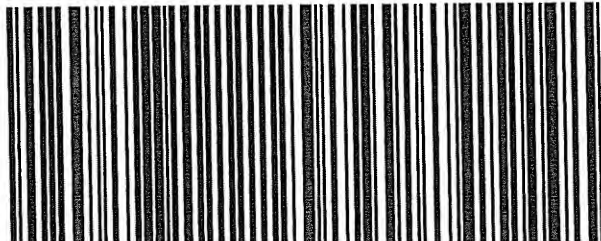
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Date/Time	Activity	Location	Details
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Oksana Buynitzky

From: Oksana Buynitzky [obuynitzky@jwth.com]
Sent: Monday, June 04, 2007 1:21 PM
To: 'xun.wang@syngenta.com'
Subject: FW: Syngenta's Ref. No. 60176WOPCT; JWH Ref. No. 1392/10/21 PCT/US

Importance: High

Attachments: Claims 1-6 1392-10-21 US.pdf; Office Action 1392-10-21 US.pdf; Tsent et al.pdf; Declaration 1.131.pdf; Ltr to Dr. Wang 1392-10-21 US.pdf

REMINDER

Oksana Buynitzky, NCCP
Patent Legal Assistant
 Jenkins, Wilson, Taylor & Hunt, P.A.
 Patent Attorneys
 University Tower, Suite 1200
 3100 Tower Boulevard
 Durham, NC 27707

Email: obuynitzky@jenkinswilson.com
 Website: www.jenkinswilson.com
 Telephone: (919) 493-8000
 Facsimile: (919) 419-0383

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From: Oksana Buynitzky [mailto:obuynitzky@jwth.com]
Sent: Thursday, May 31, 2007 3:59 PM
To: 'xun.wang@syngenta.com'
Cc: 'michael.yates@syngenta.com'; 'lkiefer@jenkinswilson.com'
Subject: Syngenta's Ref. No. 60176WOPCT; JWH Ref. No. 1392/10/21 PCT/US

Dear Dr. Wang,
 Please find attached correspondence regarding the above-referenced case. Please sign the Declaration as soon as possible and fax it to us at 1-919-419-0383.
 Please let us know if you have any questions. We are looking forward to hearing from you.



Claims 1-6
 392-10-21 US.pdf (.1392-10-21 US.pdf...)



Office Action
 1392-10-21 US.pdf



Tsent et al.pdf (750
 KB)



Declaration
 ..131.pdf (388 KB)..



Ltr to Dr. Wang
 1392-10-21 US.pdf

Sincerely,

Oksana Buynitzky, NCCP
Patent Legal Assistant
 Jenkins, Wilson, Taylor & Hunt, P.A.
 Patent Attorneys
 University Tower, Suite 1200
 3100 Tower Boulevard
 Durham, NC 27707

JENKINS
WILSON
TAYLOR
& HUNT

patent attorneys

February 11, 2008

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

BENTLEY J. OLIVE

CHRIS PERKINS, PH.D.

DAVID M. SIGMON

KIRBY A. TURNER

WESLEY A. SHEFFIELD

BENJAMIN J. AITKEN

K. JAY KLINCK

LAURA L. KIEFER, PH.D.

PATENT AGENTS

AMY ODENBAUGH, PH.D.

LEON LEGLEITER, PH.D.

*LICENSED ONLY IN GA

Dr. Fan Long
1402 Sunny Slope Road
Bridgewater, New Jersey 08807

VIA FEDERAL EXPRESS

Re: U.S. Patent Application Serial No. 10/500,587 for PROBE
CORRECTION FOR GENE EXPRESSION LEVEL DETECTION
Our File No. 1392/10/21 PCT/US

Dear Dr. Long:

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The deadline for submitting the Declaration to the Patent Office is March 7, 2008. Thus, we request that you fax your signed Declaration to us at (919) 419-0383 by no later than March 6, 2008. Please mail the original executed Declaration to our postal address using the enclosed self-addressed stamped envelope. We sincerely appreciate your time and attention to this matter.

tel 919.493.8000
fax 919.419.0383

Jenkins, Wilson, Taylor & Hunt, P.A.
JenkinsWilson.com

University Tower, Suite 1200 | 3100 Tower Boulevard | Durham, North Carolina 27707

If you should have any questions regarding this matter, please do not hesitate to contact us.

With best regards, I am

Very truly yours,

JENKINS, WILSON, TAYLOR, & HUNT P.A.



Arles A. Taylor, Jr.

AAT/LLK/dbp

Enclosures:

- Original Declaration pursuant to 37 C.F.R. § 1.131
- Copy of Official Action dated December 7, 2006
- Copy of Official Action dated September 7, 2007
- Copy of Tseng journal article
- Copy of Wohlgemuth patent application publication
- Listing of claims after Amendment A
- Return envelope

cc (w/out encl.):

- Michael Yates, Ph.D., Esq.
- Mr. Kalim Fuzail

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& HUNT

patent attorneys

February 11, 2008

RICHARD E. JENKINS

JEFFREY L. WILSON

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GREGORY A. HUNT

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AMY ODENBAUGH, PH.D.

LEON LEGLEITER, PH.D.

+LICENSED ONLY IN GA

Dr. Yiping Fan
8550 Costa Verde Blvd. #5338
San Diego, California 92122

VIA FEDERAL EXPRESS

Re: U.S. Patent Application Serial No. 10/500,587 for PROBE
CORRECTION FOR GENE EXPRESSION LEVEL DETECTION
Our File No. 1392/10/21 PCT/US

Dear Dr. Fan:

We are writing on behalf of Syngenta Participations AG concerning the pending above-captioned U.S. Patent Application Serial No. 10/500,587. Please recall that you are identified as a co-inventor on this U.S. patent application.

Enclosed please find a Declaration pursuant to 37 C.F.R. § 1.131 for your review and execution. In order to sign the Declaration, you will first need to review: (1) the two attached Official Actions from the U.S. Patent and Trademark Office; (2) the listing of pending claims 1-6, 8-13 and 29-30 of the patent application; (3) the journal article by Tseng et al. and the U.S. patent application publication by Wohlgemuth et al. that the Patent Examiner has cited against the claims; and (4) Exhibits A, B and C attached at the end of the Declaration.

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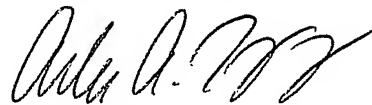
The deadline for submitting the Declaration to the Patent Office is March 7, 2008. Thus, we request that you fax your signed Declaration to us at (919) 419-0383 by no later than March 6, 2008. Please mail the original executed Declaration to our postal address using the enclosed self-addressed stamped envelope. We sincerely appreciate your time and attention to this matter.

If you should have any questions regarding this matter, please do not hesitate to contact us.

With best regards, I am

Very truly yours,

JENKINS, WILSON, TAYLOR, & HUNT P.A.



Arles A. Taylor, Jr.

AAT/LLK/dbp

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- Listing of claims after Amendment A
- Return envelope

cc (w/out encl.):

- Michael Yates, Ph.D., Esq.
- Mr. Kalim Fuzail

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E-mail: bperkins@jenkinswilsonstaylor.com

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SUITE 1200 UNIVERSITY TOWER;3100 TOWER BOULEVARD
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Yiping Fan
8550 COSTA VERDE BLVD APT 5338;#5338
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Thank you for your business.

JENKINS
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& HUNT

patent attorneys

February 11, 2008

RICHARD E. JENKINS

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PATENT AGENTS

AMY ODENBAUGH, PH.D.

LEON LEGLEITER, PH.D.

*LICENSED ONLY IN GA

Dr. Xun Wang
Section Head, CGR
Syngenta Agroservices Asia, Ltd.
20th Floor of Building 56
Ocean International Center Tower A
East 4th Ring Road
Chaoyang District
100025 P.R.C

Re: U.S. Patent Application Serial No. 10/500,587 for PROBE
CORRECTION FOR GENE EXPRESSION LEVEL DETECTION
Our File No. 1392/10/21 PCT/US

Dear Dr. Wang:

We are writing on behalf of Syngenta Participations AG concerning the pending above-captioned U.S. Patent Application Serial No. 10/500,587. Please recall that you are identified as a co-inventor on this U.S. patent application.

Enclosed please find a Declaration pursuant to 37 C.F.R. § 1.131 for your review and execution. In order to sign the Declaration, you will first need to review: (1) the two attached Official Actions from the U.S. Patent and Trademark Office; (2) the listing of pending claims 1-6, 8-13 and 29-30 of the patent application; (3) the journal article by Tseng et al. and the U.S. patent application publication by Wohlgemuth et al. that the Patent Examiner has cited against the claims; and (4) Exhibits A, B and C attached at the end of the Declaration.

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With best regards, I am

Very truly yours,

JENKINS, WILSON, TAYLOR, & HUNT P.A.



Arles A. Taylor, Jr.

AAT/LLK/dbp

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- Copy of Tseng journal article
- Copy of Wohlgemuth patent application publication
- Listing of claims after Amendment A
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cc (w/out encl.):

- Michael Yates, Ph.D., Esq.
- Mr. Kalim Fuzail

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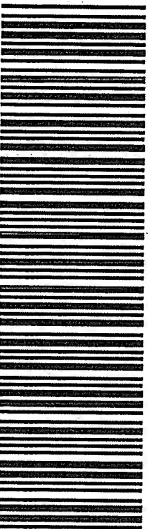
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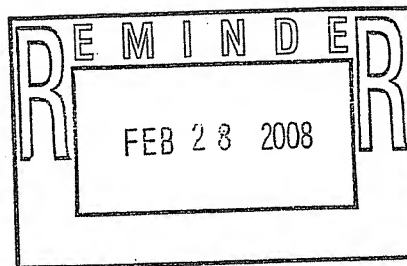
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patent attorneys

February 11, 2008



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LAURA L. KIEFER, PH.D.

PATENT AGENTS

AMY ODENBAUGH, PH.D.

LEON LEGLEITER, PH.D.

*LICENSED ONLY IN GA

Dr. Yiping Fan
8550 Costa Verde Blvd. #5338
San Diego, California 92122

VIA FEDERAL EXPRESS

Re: U.S. Patent Application Serial No. 10/500,587 for PROBE
CORRECTION FOR GENE EXPRESSION LEVEL DETECTION
Our File No. 1392/10/21 PCT/US

Dear Dr. Fan:

We are writing on behalf of Syngenta Participations AG concerning the pending above-captioned U.S. Patent Application Serial No. 10/500,587. Please recall that you are identified as a co-inventor on this U.S. patent application.

Enclosed please find a Declaration pursuant to 37 C.F.R. § 1.131 for your review and execution. In order to sign the Declaration, you will first need to review: (1) the two attached Official Actions from the U.S. Patent and Trademark Office; (2) the listing of pending claims 1-6, 8-13 and 29-30 of the patent application; (3) the journal article by Tseng et al. and the U.S. patent application publication by Wohlgemuth et al. that the Patent Examiner has cited against the claims; and (4) Exhibits A, B and C attached at the end of the Declaration.

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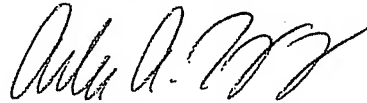
Dr. Yiping Fan
February 11, 2008
Page 2

If you should have any questions regarding this matter, please do not hesitate to contact us.

With best regards, I am

Very truly yours,

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Arles A. Taylor, Jr.

AAT/LLK/dbp

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- Return envelope

cc (w/out encl.):

- Michael Yates, Ph.D., Esq.
- Mr. Kalim Fuzail

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Richard Jenkins
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 SUITE 1200 UNIVERSITY TOWER;3100 TOWER BOULEVARD
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Recipient Information

Dr. Yiping Fan
 8550 Costa Verde Blvd. #5338
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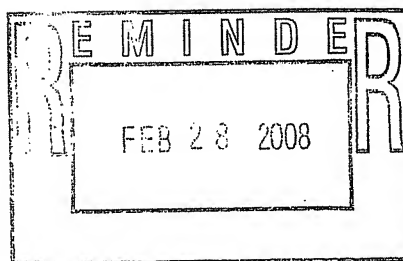
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JENKINS
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& HUNT

patent attorneys

February 11, 2008



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AMY ODENBAUGH, PH.D.

LEON LEGLEITER, PH.D.

*LICENSED ONLY IN GA

Dr. Fan Long
1402 Sunny Slope Road
Bridgewater, New Jersey 08807

VIA FEDERAL EXPRESS

Re: U.S. Patent Application Serial No. 10/500,587 for PROBE
CORRECTION FOR GENE EXPRESSION LEVEL DETECTION
Our File No. 1392/10/21 PCT/US

Dear Dr. Long:

We are writing on behalf of Syngenta Participations AG concerning the pending above-captioned U.S. Patent Application Serial No. 10/500,587. Please recall that you are identified as a co-inventor on this U.S. patent application.

Enclosed please find a Declaration pursuant to 37 C.F.R. § 1.131 for your review and execution. In order to sign the Declaration, you will first need to review: (1) the two attached Official Actions from the U.S. Patent and Trademark Office; (2) the listing of pending claims 1-6, 8-13 and 29-30 of the patent application; (3) the journal article by Tseng et al. and the U.S. patent application publication by Wohlgemuth et al. that the Patent Examiner has cited against the claims; and (4) Exhibits A, B and C attached at the end of the Declaration.

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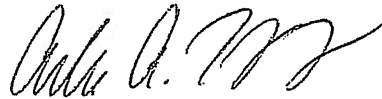
Dr. Fan Long
February 11, 2008
Page 2

If you should have any questions regarding this matter, please do not hesitate to contact us.

With best regards, I am

Very truly yours,

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Arles A. Taylor, Jr.

AAT/LLK/dbp

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cc (w/out encl.):

- Michael Yates, Ph.D., Esq.
- Mr. Kalim Fuzail

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Belinda Perkins

From: Belinda Perkins
Sent: Thursday, February 28, 2008 11:44 AM
To: 'xun.wang@syngenta.com'
Cc: Arles Taylor; Laura Kiefer
Subject: REMINDER: U.S. Patent Application Serial No. 10/500,587 for PROBE CORRECTION FOR GENE EXPRESSION LEVEL DETECTION (Our File No. 1392/10/21 PCT/US)
Attachments: Fwd Declaration for Execution.pdf
Importance: High

Dear Mr. Wang:

We have received an Office Action from the U.S. Patent and Trademark Office with regard to the above-referenced U.S. patent application. For the purpose of responding to the Office Action, attached is a Declaration that we sent to you on February 11, 2008 for submission to the U.S. Patent and Trademark Office. Please review, sign, and date the Declaration in the indicated location. Please return the signature page **by facsimile by no later than March 6, 2007** to the office of Jenkins, Wilson, Taylor & Hunt at the fax number below. Please send the original executed document to us by mail. The executed document should be mailed to the following:

Mr. Arles A. Taylor, Jr.
Jenkins, Wilson, Taylor & Hunt, P.A.
Suite 1200 University Tower
3100 Tower Boulevard
Durham, North Carolina 27707

Please contact Arles A. Taylor, Jr. (919-493-8000) if you have any questions.

Thank you and best regards.

Belinda Perkins

Belinda Perkins
Legal Assistant
Jenkins, Wilson, Taylor & Hunt, P.A.
Patent Attorneys
Website: jenkinswilson.com
email: bperkins@jwth.com
Main Office: (919) 493-8000
Facsimile: (919) 419-0383

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Tracking:

Appendix D

Recipient

'xun.wang@syngenta.com'

Arles Taylor

Laura Kiefer

Delivery

Delivered: 2/28/2008 11:44 AM

Delivered: 2/28/2008 11:44 AM

Belinda Perkins

From: houst099
Sent: Thursday, February 28, 2008 11:45 AM
To: Belinda Perkins
Subject: Delivery Status Notification (Relay)
Attachments: ATT52839.txt; REMINDER: U.S. Patent Application Serial No. 10/500,587 for PROBE CORRECTION FOR GENE EXPRESSION LEVEL DETECTION (Our File No. 1392/10/21 PCT/US)

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

xun.wang@syngenta.com

Laura Kiefer

From: Laura Kiefer
Sent: Thursday, March 06, 2008 6:35 PM
To: xun.wang@syngenta.com
Cc: Arles Taylor; 'michael.yates@syngenta.com'; melissa.hardy@syngenta.com
Subject: FW: URGENT REMINDER: U.S. Patent Application Serial No. 10/500,587 for PROBE CORRECTION FOR GENE EXPRESSION LEVEL DETECTION (Our File No. 1392/10/21 PCT/US)
Attachments: Fwd Declaration for Execution.pdf

Dear Dr. Wang,

I left a voicemail message for you this morning regarding obtaining your signature on a Declaration that we will be filing with the United States Patent Office in the above-referenced case. The Declaration is attached to this message for your signature. If possible, we would greatly appreciate if you would please fax the signed Declaration to (919) 419-0383. The absolute deadline to file the Declaration is today March 7, 2008.

Thank you very much.

Best regards,
Laura

Laura L. Kiefer, Ph.D., J.D.
Jenkins Wilson Taylor & Hunt, P.A.
Patent Attorneys
Website: www.jenkinswilson.com
Email: lkiefer@jwth.com
Main Office: 919-493-8000
Facsimile: 919-419-0383

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From: Belinda Perkins
Sent: Thursday, February 28, 2008 11:44 AM
To: xun.wang@syngenta.com
Cc: Arles Taylor; Laura Kiefer
Subject: REMINDER: U.S. Patent Application Serial No. 10/500,587 for PROBE CORRECTION FOR GENE EXPRESSION LEVEL DETECTION (Our File No. 1392/10/21 PCT/US)
Importance: High

3/7/2008

Dear Mr. Wang:

We have received an Office Action from the U.S. Patent and Trademark Office with regard to the above-referenced U.S. patent application. For the purpose of responding to the Office Action, attached is a Declaration that we sent to you on February 11, 2008 for submission to the U.S. Patent and Trademark Office. Please review, sign, and date the Declaration in the indicated location. Please return the signature page **by facsimile by no later than March 6, 2007** to the office of Jenkins, Wilson, Taylor & Hunt at the fax number below. Please send the original executed document to us by mail. The executed document should be mailed to the following:

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3100 Tower Boulevard
Durham, North Carolina 27707

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Thank you and best regards.
Belinda Perkins

Belinda Perkins
Legal Assistant
Jenkins, Wilson, Taylor & Hunt, P.A.
Patent Attorneys
Website: jenkinswilson.com
email: bperkins@jwth.com
Main Office: (919) 493-8000
Facsimile: (919) 419-0383

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3/7/2008